

Part 1 General Provisions

53A-11a-101 Title.

This chapter is known as "Bullying and Hazing."

Enacted by Chapter 197, 2008 General Session

53A-11a-102 Definitions.

As used in this chapter:

- (1)
 - (a) "Bullying" means intentionally or knowingly committing an act that:
 - (i)
 - (A) endangers the physical health or safety of a school employee or student;
 - (B) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
 - (C) involves consumption of any food, liquor, drug, or other substance;
 - (D) involves other physical activity that endangers the physical health and safety of a school employee or student; or
 - (E) involves physically obstructing a school employee's or student's freedom to move; and
 - (ii) is done for the purpose of placing a school employee or student in fear of:
 - (A) physical harm to the school employee or student; or
 - (B) harm to property of the school employee or student.
 - (b) The conduct described in Subsection (1)(a) constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
- (2) "Communication" means the conveyance of a message, whether verbal, written, or electronic.
- (3) "Cyber-bullying" means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.
- (4) "Harassment" means repeatedly communicating to another individual, in an objectively demeaning or disparaging manner, statements that contribute to a hostile learning or work environment for the individual.
- (5)
 - (a) "Hazing" means intentionally or knowingly committing an act that:
 - (i)
 - (A) endangers the physical health or safety of a school employee or student;
 - (B) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
 - (C) involves consumption of any food, liquor, drug, or other substance;
 - (D) involves other physical activity that endangers the physical health and safety of a school employee or student; or
 - (E) involves physically obstructing a school employee's or student's freedom to move; and

- (ii)
 - (A) is done for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or continued membership or acceptance, in any school or school sponsored team, organization, program, or event; or
 - (B) if the person committing the act against a school employee or student knew that the school employee or student is a member of, or candidate for, membership with a school, or school sponsored team, organization, program, or event to which the person committing the act belongs to or participates in.
- (b) The conduct described in Subsection (5)(a) constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
- (6) "Policy" means a bullying and hazing policy described in Section 53A-11a-301.
- (7) "Retaliate" means an act or communication intended:
 - (a) as retribution against a person for reporting bullying or hazing; or
 - (b) to improperly influence the investigation of, or the response to, a report of bullying or hazing.
- (8) "School" means any public elementary or secondary school or charter school.
- (9) "School board" means:
 - (a) a local school board; or
 - (b) a local charter board.
- (10) "School employee" means:
 - (a) school teachers;
 - (b) school staff;
 - (c) school administrators; and
 - (d) all others employed, directly or indirectly, by the school, school board, or school district.

Amended by Chapter 235, 2011 General Session